



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable James E. Kilday, Director
Motor Transportation Division
Railroad Commission of Texas
Austin, Texas

Dear Sir:

Opinion No. O-1956
Re: Authority of the Railroad Commission to divide an interstate special commodity permit

We received your letter dated February 6, 1940, which is self-explanatory and reads, in part, as follows:

"On March 8, 1932, the Railroad Commission granted Interstate Special Commodity Permit No. 12142 to Herrin Transfer and Warehouse Company, Incorporated, Shreveport, Louisiana, authorizing the transportation of Household Goods, Farm Machinery and Oilfield Equipment in an exclusively interstate transportation service from points within the State of Louisiana to points within the State of Texas and from points within the State of Texas to points within the State of Louisiana, which Permit now authorizes the operation of eight trucks.

"We have an application from this Operator, requesting that said Permit be divided and that two separate and distinct permits be issued in lieu thereof, one for the transportation of Household Goods only, using three trucks, the other for the transportation of Farm Machinery and Oilfield Equipment, using five trucks.

". . .

"QUESTION: Does the Railroad Commission have authority, under the Motor Carrier Law of Texas, to divide such a Special Commodity Permit?"

Honorable James E. Kilday, Page 2

Article 911b, Section 6 (d) of Vernon's Annotated Civil Statutes, reads, in part, as follows:

"The Railroad Commission is hereby given authority to issue upon application to those persons who desire to engage in the business of transporting for hire over the highways of this State, livestock, mohair, wool, milk, livestock feedstuffs, household goods, oil field equipment, and used office furniture and equipment, timber when in its natural state, farm machinery and grain special permits upon such terms, conditions and restrictions as the Railroad Commission may deem proper, and to make rules and regulations governing such operations keeping in mind the protection of the highways and the safety of the traveling public; . . ."

The above article gives the Railroad Commission the authority to issue the said permits "upon such terms, conditions, and restrictions as the Railroad Commission may deem proper, . . ." We are of the opinion that the Railroad Commission has the authority under the above article to divide such an interstate special commodity permit. It may well be that the Railroad Commission may find it necessary, in order to more effectively regulate interstate special commodity motor carriers, to issue separate permits to an applicant who desires to haul different commodities rather than combining the authority to haul several commodities in the same permit.

Nothing in this opinion shall be construed as holding that any person, firm or corporation can hold several permits without complying with the provisions of the Motor Carrier Act with respect to the payment of the necessary fees, etc., which are prerequisite to the obtaining of each permit.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAR 21, 1940

Gerardo M. Mean
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